

1 MICHAEL A. LADRA, State Bar No. 064307 (mladra@wsgr.com)
2 JAMES C. YOON, State Bar No. 177155 (jyoon@wsgr.com)
3 JULIE M. HOLLOWAY, State Bar No. 196942 (jholloway@wsgr.com)
4 WILSON SONSINI GOODRICH & ROSATI
5 Professional Corporation
6 650 Page Mill Road
7 Palo Alto, CA 94304-1050
8 Telephone: (650) 493-9300
9 Facsimile: (650) 565-5100

10 Attorneys for Plaintiff
11 SANDISK CORPORATION

ORIGINAL
FILED

DEC 06 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

E-FILING

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 SANDISK CORPORATION, a Delaware
16 corporation,

17 Plaintiff,

18 v.

19 STMICROELECTRONICS, INC., a Delaware
20 corporation, STMICROELECTRONICS NV, a
21 Dutch company and DOES I to X;

22 Defendants.

CASE NO.: 05 05021

JL

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

23 SanDisk Corporation ("SanDisk") hereby alleges for its Complaint against defendants
24 STMicroelectronics, Inc. and STMicroelectronics NV on personal knowledge as to its own
25 actions and on information and belief as to the actions of others, as follows:

26 THE PARTIES

27 1. Plaintiff SanDisk is a Delaware corporation with its principal place of business in
28 Sunnyvale, California. SanDisk, the world's largest supplier of flash data storage products, is in
the business of designing, manufacturing and marketing such data storage products using
patented, high density flash memory and controller technology.

2. Defendant STMicroelectronics, Inc. is a Delaware corporation with its principal place of business at 1310 Electronics Drive, Carrollton, Texas 75006. STMicroelectronics, Inc. is a wholly-owned subsidiary of STMicroelectronics NV. STMicroelectronics, Inc. designs, manufactures, markets, and sells semiconductors, including flash memory products.

3. Defendant STMicroelectronics NV is organized under the laws of the Netherlands with its principal place of business at 39, Chemin du Champ des Filles, C. P. 21, CH 1228 Plan-Les-Ouates, Geneva, Switzerland. STMicroelectronics NV designs, manufactures, markets, and sells semiconductors, including flash memory products.

4. Defendants STMicroelectronics, Inc. and STMicroelectronics NV are collectively referred to herein as “ST.”

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), because this action involves a claim arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

6. This Court has personal jurisdiction over Defendants in that each has established minimum contacts with the forum. Each Defendant designs, develops, manufactures, fabricates, demonstrates, tests, uses and/or assembles electronic devices that have been used, offered for sale, sold, and/or purchased in California.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b), in that ST has committed acts of infringement in this judicial district and a substantial part of the events giving rise to this action occurred in this judicial district.

INTRADISTRICT ASSIGNMENT

8. Assignment to the San Jose Division of California is proper under Northern District Local Rules 3-2(c) and 3-5(b) because plaintiff SanDisk resides in Santa Clara County, California, and a substantial part of the events giving rise to this action occurred in Santa Clara County.

1 CAUSE OF ACTION

2 9. SanDisk repeats and realleges the allegations of paragraphs 1 through 8 in their
3 entirety.

4 10. On November 23, 1999, the United States Patent and Trademark Office
5 ("USPTO") duly and legally issued U.S. Patent No. 5,991,517, entitled "Flash EEPROM System
6 With Cell by Cell Programming Verification," to Eliyahou Harari, Robert D. Norman, and
7 Sanjay Mehrotra (the "'517 patent"). At all relevant times, SanDisk has been the owner, by valid
8 assignment, of all right, title, and interest in and to the '517 patent. A copy of the '517 patent is
9 attached to the Complaint as Exhibit A.

10 11. ST has infringed and is continuing to infringe the '517 patent, directly,
11 contributorily, and/or by inducement, in violation of 35 U.S.C. § 271.

12 12. ST has notice that it is manufacturing, using, and/or selling products that infringe
13 the '517 patent. Despite such notice, ST has continued to willfully infringe the '517 patent by
14 making, using, offering for sale and/or selling within, and/or importing into, the United States
15 devices that embody or practice the invention disclosed and claimed in the '517 patent.

16 13. Unless enjoined by this Court, ST will continue to infringe the '517 patent, and
17 SanDisk will continue to suffer irreparable harm for which there is no adequate remedy at law.
18 Accordingly, SanDisk is entitled to preliminary and/or injunctive relief against such infringement
19 pursuant to 35 U.S.C. § 283.

20 14. As a result of ST's infringement of the '517 patent, SanDisk has been and will
21 continue to be injured in its business and property rights, and is entitled to recover damages for
22 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, plaintiff SanDisk requests entry of judgment in its favor and against ST
3 as follows:

- 4 a. Declaring that the '517 patent is valid and enforceable;
- 5 b. Declaring that ST has infringed one or more claims of the '517 patent;
- 6 c. Preliminarily and/or permanently enjoining ST and its officers, agents, servants,
7 employees and attorneys, and all persons acting in active concert or participation with it, from
8 further infringing, contributing to and/or inducing the infringement of the '517 patent, in
9 accordance with 35 U.S.C. § 283;
- 10 d. Awarding SanDisk damages in an amount adequate to compensate SanDisk for
11 ST's infringement, in accordance with 35 U.S.C. § 284;
- 12 e. Awarding SanDisk treble damages in view of the reckless, willful, and deliberate
13 nature of ST's infringement, pursuant to 35 U.S.C. § 284; and
- 14 f. Awarding SanDisk costs and reasonable attorneys fees, in accordance with 35
15 U.S.C. § 285.

16
17 Dated: December 6, 2005

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

18
19
20 By: 

James C. Yoon

21 Attorneys for Plaintiff
22 SANDISK CORPORATION
23
24
25
26
27
28

1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Rule 3-6(a) of the
3 Local Rules of the United States District Court for the Northern District of California, plaintiff
4 SanDisk demands a trial by jury of this action.

5
6 Dated: December 6, 2005

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

7
8
9 By: 

James C. Yoon

10 Attorneys for Plaintiff
11 SANDISK CORPORATION
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: December 6, 2005

By:

Attorneys for Plaintiff
SANDISK CORPORATION